

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 * * *

9 JOHN FRANCIS ARPINO,

10 Petitioner,

11 v.

12 UNITED STATES DISTRICT COURT,
CHIEF JUDGE, *et al.*,

13 Respondents.

Case No. 3:18-cv-00162-MMD-WGC

ORDER

14
15 Petitioner has filed a petition for writ of mandamus pursuant to 18 U.S.C.
16 § 3771(d)(3). The petition is captioned for the Ninth Circuit Court of Appeals and seeks
17 various forms of relief from that court. (ECF No. 1-1.) In addition, petitioner has included
18 a letter addressed to the Clerk of this Court asking that the Clerk ensure that his petition
19 “is placed before this court and provided via E-filing to the Ninth Circuit Court of Appeals.”
20 (ECF No. 1-4 at 1.)

21 To the extent petitioner intended his petition to be filed with this Court, the petition
22 will be dismissed as petitioner has not properly commenced the action by paying the filing
23 fee or filing a complete pauper application. 28 U.S.C. § 1915(a)(2); LSRs 1-1, 1-2, 3-1,
24 4-1. The Court does not, in so doing, suggest that the petition is otherwise free of
25 deficiencies.

26 To the extent petitioner is asking the Court to forward his petition to the Ninth
27 Circuit Court of Appeals or to allow him to file with the circuit court through this court’s e-
28 filing system, the request is denied. The Court takes judicial notice of the fact that

1 petitioner has previously filed petitions with the Court of Appeals, as well as documents
2 in several other cases that he has appealed from this Court, and thus is familiar with the
3 procedure for filing documents with the Court of Appeals. (See, e.g., Ninth Circuit Case
4 No. 14-73817.)

5 In accordance with the foregoing, this improperly commenced action is dismissed
6 without prejudice.

7 It further is ordered that petitioner's request that he be allowed to file documents
8 with the Ninth Circuit Court of Appeals through this court's e-filing system (ECF No. 1-4)
9 is denied.

10 It further is ordered that a certificate of appealability is denied.

11 The Clerk of Court is directed to enter final judgment accordingly, dismissing this
12 action without prejudice.

13 DATED THIS 26th day of April 2018.
14

15
16 

17 MIRANDA M. DU
18 UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26
27
28